

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Genevieve Lamont	Team: Squad #08	CCRB Case #: 202003854	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input checked="" type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 05/30/2020 7:40 PM	Location of Incident: Flatbush Avenue near Prospect Park Zoo.	18 Mo. SOL 5/4/2022	Precinct: 78		
Date/Time CV Reported Tue, 06/02/2020 8:18 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 06/02/2020 8:18 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DTS Junior Sesay	7057	949652	070 PCT
2. POM Desean Mullings	19483	959833	070 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Imran Khan	05564	956020	070 PCT

Officer(s)	Allegation	Investigator Recommendation
A.DTS Junior Sesay	Abuse: Detective Junior Sesay damaged an individual's property.	
B.POM Desean Mullings	Abuse: Police Officer Desean Mullings damaged an individual's property.	
C.DTS Junior Sesay	Abuse: Detective Junior Sesay threatened individuals with the use of force.	
D.POM Desean Mullings	Abuse: Police Officer Desean Mullings threatened individuals with the use of force.	
E.DTS Junior Sesay	Untruthful Stmt.: Detective Junior Sesay provided a false official statement to the CCRB.	
F.POM Desean Mullings	Untruthful Stmt.: Police Officer Desean Mullings provided a false official statement to the CCRB.	
G.DTS Junior Sesay	Untruthful Stmt.: Detective Junior Sesay impeded an investigation conducted by the CCRB.	
H.POM Desean Mullings	Untruthful Stmt.: Police Officer Desean Mullings impeded an investigation conducted by the CCRB.	
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		

Case Summary

On June 2, 2020, § 87(2)(b) filed this complaint with the CCRB by phone.

On May 30, 2020, at approximately 7:40 p.m., § 87(2)(b) was marching with her partner in the Police Brutality protest on Flatbush Avenue, near the Prospect Park Zoo, in Brooklyn. During the march, a police vehicle, driven by Det. Junior Sesay and PO Deshaun Mullings of the 70th Precinct, was stopped by the protest crowd. The officers were able to maneuver around the crowd, hitting a protester's bicycle in the process (**Allegations A and B: Abuse of Authority;** § 87(2)(g) Det. Sesay and PO Mullings accelerated northbound towards a protest crowd gathered ahead at the Grand Army Plaza roundabout (**Allegations C and D: Abuse of Authority;** § 87(2)(g) § 87(2)(g)

During their interviews, Det. Sesay and PO Mullings provided false official statements to the CCRB which impeded the investigation (**Allegations E through H: Untruthful Statements;** § 87(2)(g) § 87(2)(g), § 87(4-b)

§ 87(2)(b) provided the investigation with cellphone footage she and her partner took during the incident [BR01 and BR02, respectively].

Findings and Recommendations

Allegation (A) Abuse of Authority: Detective Junior Sesay damaged an individual's property.

Allegation (B) Abuse of Authority: Police Officer Deshaun Mullings damaged an individual's property.

Allegation (C) Abuse of Authority: Detective Junior Sesay threatened individuals with the use of force.

Allegation (D) Abuse of Authority: Police Officer Deshaun Mullings threatened individuals with the use of force.

§ 87(2)(b) testified that as she was walking with her partner, who wished not to be named in the investigation, a civilian's car got stuck in the group of protesters, who moved aside to let the car through. As she was marching, she heard shouting from the protesters behind her, which concerned her. She turned around and turned her cellphone camera on to record what was happening. As the police car drove towards the group, the protesters blocked the car with a metal barrier and a few protesters began throwing water bottles at the vehicle. She did not see the protesters throw anything else or make any other contact with the vehicle. No commands were issued over the loudspeaker or otherwise given to the protesters. After about a minute behind the barrier, the police vehicle drove through it, pushing it to the side and almost hitting § 87(2)(b) and her partner. She did not see the police vehicle hit any of the protesters in her group. The police vehicle continued driving forward, accelerating towards a group of about a hundred protesters gathered up ahead at the Grand Army Terminal Plaza. The group ran to either side of the street to avoid being hit by the car. § 87(2)(b) stated she was unable to see if the car struck any of the protesters ahead of her [BR03].

§ 87(2)(b) provided two cellphone videos of the incident, taken by her and her partner [BR01 and BR02, respectively]. § 87(2)(b) cellphone footage shows the group of protesters blocking two cars, one which is the police vehicle (driven by Det. Sesay and PO Mullings) and a civilian car, which the crowd lets through. At 00:26 minutes, the police vehicle moves forward, knocking the metal gate to the side. It then accelerates, knocking an individual's bicycle back and knocking the gate again back towards the protesters holding it. The vehicle is not seen striking any protesters. At 00:39 minutes, the police vehicle is seen driving towards a group of protesters ahead, who attempt to move out of the way of the car. Protesters can be seen telling the protesters ahead to

move out of the way. No commands can be heard being issued by the officers [BR01]. Her partner's cellphone footage captures the same incident [BR02].

Det. Sesay testified that he and PO Mullings were instructed by Sgt. John Velez to transport two defendants from the 67th Precinct to 1 Police Plaza. After retrieving the defendants, identified by the investigation as § 87(2)(b) and § 87(2)(b) Det. Sesay, who was the driver, and PO Mullings went down Flatbush Avenue; they were driving behind a white SUV, which abruptly stopped in front of them. A hundred protesters then surrounded the officers' vehicle on all four sides. Det. Sesay activated his lights and went over the loudspeaker, ordering the protesters to return to the sidewalk multiple times. After a couple of minutes, the protesters began throwing metal sidewalk barriers, plastic traffic cones, bricks, and other items at the vehicle, shattering the rear driver and passenger side windows, as well as the rear windshield. Items were also thrown at the front driver and passenger windows and front windshield, although the glass did not break. After being stopped from between five to fifteen minutes, Det. Sesay realized that there were no protesters behind the vehicle. He then backed up, maneuvered around the SUV, and drove away towards Grand Army Plaza roundabout. He was not aware of striking an individual's bicycle or any other object as he drove away. He stated there was no protesters in the street ahead of him, although he believed some were on the sidewalk. He and PO Mullings attempted to transport § 87(2)(b) and § 87(2)(b) over the Brooklyn Bridge; however, they were blocked by a protest crowd on the bridge. The officers turned around and brought § 87(2)(b) and § 87(2)(b) back to the 70th Precinct stationhouse [BR04].

Det. Sesay was shown § 87(2)(b) cellphone footage of the incident [BR01]. He initially stated that he could not "properly see" the video to confirm if the incident involved his vehicle and that he did not recall if the incident happened on Flatbush Avenue or at another location. He did confirm that the cellphone footage did depict the incident, but that the video was possibly taken after he passed the SUV, although he confirmed that the SUV in the video was the one he had driven behind. After reviewing the cellphone footage again, he confirmed that the area depicted in the video was the same as the incident location. After reviewing the video, Det. Sesay maintained that he did not drive towards the Grand Army Plaza crowd after maneuvering around the protesters [BR04].

PO Mullings was largely consistent with Det. Sesay's testimony. About 75 to 100 protesters surrounded their vehicle on all four sides. The protesters began throwing metal barriers, rocks, cones, and other objects, shattering the rear windows and windshield. PO Mullings and Det. Sesay were surrounded for three to five minutes, in which PO Mullings went over the loudspeaker multiple times, ordering the protesters to return to the sidewalk. At some point, he noticed an opening to the left of the vehicle in which they could fit through. He alerted Det. Sesay to this, who then maneuvered through the gap. Protesters moved to the left and right to get out of the way of the vehicle; PO Mullings stated they would not have fit through the gap if the protesters did not move out of the way. He did not know if, while maneuvering through the gap, the vehicle hit a protester's bicycle. The officers continued driving down Flatbush Avenue; PO Mullings stated that there was no large group in front of him and they did not encounter any other protest group until they reached the Brooklyn Bridge. PO Mullings stated that he did not prepare any documentation for the damaged vehicle, stating that it would be the responsibility of his supervisor to do so, although he did not recall which supervisor this would be [BR05].

PO Mullings was also shown § 87(2)(b) cellphone footage. After viewing the footage, he stated that the incident captured looked familiar, although he believed that the recording started after the windows had been broken. The investigation directed PO Mullings attention to the large crowd gathered northbound on Flatbush Avenue; PO Mullings acknowledged that the video captured a large crowd, but stated that by the time they reached the crowd, the protesters had all moved to one side of the street. PO Mullings reiterated that he issued orders over the loudspeaker multiple times for the protesters to move out of the street, but did not clarify if he did so while driving northbound and acknowledged being unable to hear any commands in the video [BR05].

Patrol Guide Procedure 221-01 states that force may be used to ensure the safety of a member of the service or of a third person. In determining whether the use of force is reasonable, member of services should consider the nature and severity of the crime/circumstances, actions taken by the subject, duration of the action, immediacy of the perceived threat or harm to the subject, members of service, and/or bystanders, whether the subject is actively resisting custody, whether the subject is attempting to evade arrest by flight, number of subjects in comparison to the number of MOS, size, age, and condition of the subject in comparison to the MOS, subject's violent history (if known), presence of hostile crowd or agitators, and if a subject is apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence [BR06].

It is undisputed that Det. Sesay and PO Mullings were stopped by the protesters while on Flatbush Avenue. From the cellphone footage, protesters attempted to block the police vehicle from moving forward, and while attempting to maneuver out of the situation, the police vehicle struck a protester's bicycle. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

By using their vehicle to force the Grand Army Plaza crowd to move out of street, Det. Sesay and PO Mullings effectively threatened the crowd with force. It is clear from the video that after the officers maneuver around the barrier, they accelerated towards a large crowd of protesters ahead of them. No warnings can be heard being given to the crowd, aside from those given from the protesters in the video. Det. Sesay did not account for driving towards this crowd and while PO Mullings maintained that by the time they reached the crowd, they were no longer in the street, it is evident from the video that there was no effort on the part of the officers to slow down or issue a warning to protesters. While Det. Sesay and PO Mullings both testified that the protesters on scene shattered the rear windows and windshield, § 87(2)(b) cellphone footage, which captured the initial stopping of the police vehicle, showed that, at most, the protesters threw water bottles at the protesters, and no metal barriers, traffic cones, or other items were thrown at the vehicle, and that the situation PO Mullings and Det. Sesay characterized in their testimony was not reflected in the video. Once the officers removed themselves from the crowd, § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (E) Untruthful Statement: Detective Junior Sesay provided a false official statement to the CCRB.

Allegation (F) Untruthful Statement: Police Officer Desean Mullings provided a false official statement to the CCRB.

According to Patrol Guide Procedure 203-08, a false official statement is defined as an intentional statement that a member of service knows to be untrue, which is material to the outcome of an investigation, proceeding, or other matter in connection with which the statement is true [BR07].

§ 87(2)(g) As noted above, Det. Sesay testified that there were no protesters in front of them after he maneuvered around the crowd [BR04]. Cellphone footage from the incident clearly depicts a large group of protesters gathered ahead at the Grand Army Plaza roundabout and shows Det. Sesay, the driver, drive directly towards this group [BR01]. Det. Sesay was shown this video footage during his interview; however, he maintained that there was no protest crowd northbound on Flatbush Avenue, even after the undersigned pointed out the crowd to him. The investigation deemed this fact to be material to the outcome of the investigation, as Det. Sesay's actions regarding the crowd are

directly related to an allegation pled against him. His denial therefore affected the investigations' analysis of the incident, especially considering the video evidence that clearly contradicts Det. Sesay's claim.

§ 87(2)(g)

Det. Sesay testified that the protesters threw multiple objects at the car, such as metal barriers, traffic cones, water bottles, and other objects, causing the glass in the rear windows and windshield to shatter [BR04]. PO Mullings also made this claim, stating that the actions of the protesters placed the officers and the defendants' lives in danger [BR06]. Cellphone footage of the incident clearly contradicts the officers' testimony: while water bottles are seen being thrown at the car, nothing else is. Additionally, the footage, which captures the initial stop of the police vehicle to its release, does not show any damage to the vehicle, despite Det. Sesay and PO Mullings maintaining that there was. When asked to point out the damage in the video, PO Mullings equivocated, stating that the damage to the rear windows and windshield might have occurred at a later date, but that the passenger window had been broken at this point, as he recalled "feeling the wind on his face" [BR05]. It should be noted that the passenger side of the vehicle is the only side that cannot be seen in the video.

Both a Police Accident Report for the 70th Precinct and a FLEET request to confirm the documentation of the damage yielded negative results [BR08 and BR09, respectively]. The only documentation of the damage the investigation received was a note made in Det. Sesay's memo book; PO Mullings stated he did not prepare a memo book entry for the incident, as he had left his work phone in another vehicle [BR10 and BR11, respectively]. He stated that a supervisor would be responsible for preparing documentation for the damaged vehicle, although he did not recall which supervisor he notified. Sgt. Imran Khan, the patrol supervisor for the 70th Precinct on May 30, 2020, testified that he would have been one of the supervisors notified of any damaged police vehicles and that he had no knowledge of the above incident [BR12]. The investigation attempted to interview § 87(2)(b) and § 87(2)(b) regarding this incident and the alleged damage to the vehicle, however contact attempts were unsuccessful.

§ 87(2)(g)

Allegation (G) Untruthful Statement: Detective Junior Sesay impeded an investigation conducted by the CCRB.

Allegation (H) Untruthful Statement: Police Officer Desean Mullings impeded an investigation conducted by the CCRB.

According to Patrol Guide Procedure 203-08, a member of service is prohibited from impeding an investigation. The Patrol Guide defines impeding as making false, misleading, and/or inaccurate statements, or engaging in an impeding action [BR07].

§ 87(2)(g) the investigation made significant efforts to corroborate their statements, causing delay in the case. Such delays include acquiring and waiting for documents for the 67th and 70th Precinct to identify witnesses, making contact attempts to § 87(2)(b) and § 87(2)(b) obtaining confirmation from FLEET and the 70th Precinct, and scheduling and interviewing Sgt. Khan. Det. Sesay and PO Mullings were interviewed September 24 and October 9, 2020, respectively; the process to determine whether their statements were credible caused a delay in the investigation of almost eight months. § 87(2)(g)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to one prior CCRB complaint [BR15].
- Det. Sesay has been a member of service for 10 years and has been subject in two prior CCRB complaints and two allegations, neither of which were substantiated. § 87(2)(g)
- PO Mullings has been a member of service for five years and has been subject in three prior CCRB complaint and six allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- This complaint was unsuitable for mediation.

- On May 11, 2021, a FOIL request was submitted with the New York City Office of the Comptroller to determine if a Notice of Claim was filed regarding this incident, the results of which will be added to the case file upon its receipt [BR16].
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]

Squad No.: 8

Investigator: Genevieve Lamont Inv. Genevieve Lamont 5/12/2021
Signature Print Title & Name Date

Squad Leader: Ethan De Angelo IM Ethan De Angelo 5/13/2021
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date